



Atty. Docket No.: 30287-40

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor Application of:

STEPHAN GEHRING, et al.

Serial No.: 09/393,122

Filed: September 10, 1999

For: APPARATUS AND METHOD  
FOR MANAGING  
VARIABLE-SIZED DATA  
SLOTS WITHIN A TIME  
DIVISION MULTIPLE  
ACCESS FRAME

) Group Art Unit:

) Examiner:

Shah, Chirag G.

#11/ald  
2664-23-03

San Diego, California  
June 25, 2003

MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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JUL 03 2003

Technology Center 2600

**PETITION UNDER 37 C.F.R. § 1.181 TO  
WITHDRAW HOLDING OF ABANDONMENT**

Dear Sir:

Applicant hereby submits this Petition to withdraw a holding of abandonment in accordance with the provisions of 37 C.F.R. § 1.181. Applicant notes that the deadline for filing this Petition is August 3, 2003.

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence and anything being referred to as enclosed herein is being deposited with the United States Postal Service via Express Mail "Post Office to Addressee," Label #EV292300503US, containing sufficient postage in an envelope addressed to: MS PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 25th day of June 2003.

Signature:

Joyce Vogel

## REMARKS

On June 3, 2003, a Notice of Abandonment in the above-identified patent application was issued by the USPTO under the grounds that no reply was received in response to a July 3, 2002, Office Action.

Applicant submits that the Notice of Abandonment was issued in error, as a response to the outstanding Office Action was timely submitted.

Attached as Exhibit A is a photocopy of Applicant's postcard that was date-stamped by the USPTO on October 7, 2002. The postcard lists an Amendment and Response to Office Action and a transmittal letter, which are both attached as Exhibit B. The transmittal letter includes a certificate of mailing that certifies the Amendment and Response to Office Action was mailed on October 2, 2002, which was within the three-month statutory deadline for responding to the July 3, 2002, Office Action.

Therefore, the Notice of Abandonment was issued in error and Applicant requests that the holding of abandonment be withdrawn and that the Response to Office Action be examined on its merits.

Also attached as Exhibit C is a Substitute Power of Attorney for the above-identified patent application that requests all correspondence and telephonic communication be directed to the attention of:

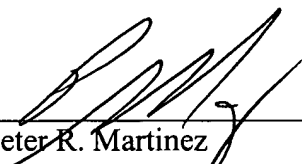
Peter R. Martinez, Esq.  
Luce, Forward, Hamilton & Scripps LLP  
11988 El Camino Real, Suite 200  
San Diego, California 92130  
Telephone No.: (858) 720-6300  
Facsimile No.: (858) 720-6306

**Conclusion**

Applicant believes that this Petition places the application in condition for issuance. No fee is believed due with this Petition. However, the Commissioner is authorized to charge any fee required to our Deposit Account No. 50-2298, in the name of Luce, Forward, Hamilton & Scripps LLP. Should any issues remain unresolved, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

6.26.03  
Date

  
\_\_\_\_\_  
Peter R. Martinez  
Attorney for Applicant(s)  
Reg. No. 42,845  
c/o LUCE, FORWARD, HAMILTON  
& SCRIPPS LLP  
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Please acknowledge receipt of the following by affixing hereon the Patent Office date stamp and returning this card to our office.

Inventor(s): Gehring et al.  
Serial No.: 09/393,122  
Filing Date: September 10, 1999  
Attorney: William P. Wilbar  
Docket No.: PLNK-008  
Title: **APPARATUS AND METHOD FOR MANAGING VARIABLE-SIZED DATA SLOTS WITHIN A TIME DIVISION MULTIPLE ACCESS FRAME**

Papers Filed:

1. return postcard
2. Transmittal Letter (1p)
3. Amendment and Response to Office Action (16pp)

Date: October 2, 2002

tb

to: Box Non-Fee Amendment

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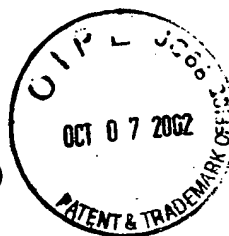
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